

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JONATHAN MALONE SR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	NO. 3:11-1195
	)	Judge Campbell/Bryant
OFFICER MARK MOGHADDAM, et al.,	)	Jury Demand
	)	
Defendants.	)	

**O R D E R**

Plaintiff Malone has filed his "Motion Requesting Release of Discovery and Production of Said Evidence" (Docket Entry No. 29), to which defendants have responded in opposition (Docket Entry No. 30). By this motion, plaintiff seeks production of certain video surveillance tapes, a taped video interview that plaintiff asserts he gave on May 4, 2011, and certain photographs of him allegedly taken by the medical staff at Rutherford County Detention Center on or about May 4, 2011 to May 7, 2011.

In response, defendants state that plaintiff's motion to compel production of the subject information is premature and without merit because plaintiff has not previously requested production of the subject information pursuant to Rule 34 of the Federal Rules of Civil Procedure.

Defendants are correct. A motion to compel production of discovery under Rule 37 of the Federal Rules of Civil Procedure requires as a predicate a previous request for production under Rule 34. Rule 37(a)(3)(B)(iv). Plaintiff fails to show here that

he has previously requested production of the subject information.  
Therefore, his motion to compel production is premature and must be  
DENIED.

It is so **ORDERED**.

s/ John S. Bryant  
JOHN S. BRYANT  
United States Magistrate Judge